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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/824,633	03/27/1997	CHARLES FRANKLIN DRILL		8856

7590

04/22/2002

PHILIPS ELECTRONICS NORTH AMERICAN CORP.  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020-1104

EXAMINER

RACHUBA, MAURINA T

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 04/22/2002

#24

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/824,633

Applicant(s)

DRILL ET AL.

Examiner

M Rachuba

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-10,12 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-10,12,16,17,20 and 21 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3, 8, 10, 12, 16, 20 and 21 are finally rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cote et al, '106, as set forth in paper no.21, mailed October 5, 2001.
4. Claims 4, 9 and 17 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Cote et al, '106, as set forth in paper no. 21, mailed October 5, 2001.

***Response to Arguments***

5. Applicant's arguments filed January 28, 2002 have been fully considered but they are not persuasive. Applicant has amended claims 20 and 21 to limit that each of the plurality of regions on the polishing surface are "configured" to achieve a specific WIW (within a wafer) or WID (within a die) process effect, and further argues that Cote et al does not disclose or teach that the abrasive pad is configured to achieve these effects. The examiner disagrees. Applicant's specification, pages 15 and 16, discusses the differences in WIW and WID uniformity, stating that it is desired to have WIW planarization uniformity with WID thickness uniformity. It is the examiner's position that Cote et al do provide these process effects, though not described in the same

Art Unit: 3723

terminology as applicant. Cote et al, columns 4-6, discuss the operation of the disclosed device, to uniformly reduce the thickness of a metal layer over a chip topography, (WID), and to uniformly planarize the wafer (WIW), by moving the semiconductor device over the difference sections of the pad. The examiner appreciates that applicants may be their own lexicographers, however such language alone will not make a claim patentable over prior art that describes the same structure, in different terms.

6. Regarding applicants' argument that Cote et al do not disclose that the sections have different thickness, it is noted that those claims which limit the different thickness of the sections have been rejected as obvious under 35 USC 103. Applicant has not provided any evidence that one of ordinary skill in the art would not find a change in thickness obvious, as a matter of design choice. One of ordinary skill would recognize that dependent on the material of the pad, a thinner section would have a different hardness than a thicker section and would consider a change in thickness an obvious variant on a change of hardness.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3723

8. Any inquiry concerning the content of this communication or earlier communications from the examiner should be directed to M. Rachuba whose telephone number is (703) 308-1361. The examiner can normally be reached on Monday through Thursday, and alternate Fridays from 8:30 AM to 4:00 PM. Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Representative, Tech Center 3700, (703) 306-5648.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (703) 308-2687. The fax phone number for this Group is (703) 872-9302.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



M. RACHUBA  
PRIMARY PATENT EXAMINER  
ART UNIT 3723

mtr  
April 18, 2002